

SUMMARY REPORT DIGEST-
COMPLAINT REGISTER INVESTIGATION NO.:
CHICAGO POLICE DEPARTMENT

311221

DATE OF REPORT (DAY-MO.-YEAR)

09 June 2006

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE
ATTENTION ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS
 ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

FROM - INVESTIGATOR'S NAME KUYKENDOLL, Anita			RANK INV	STAR NO. 226	SOCIAL SEC. NO. XXX-X-XXXX	EMPLOYEE NO. [2 - Uniq...]	UNIT ASSIGN. 113	
ADDRESS OF INCIDENT 101... N. Lavergne			DATE OF INCIDENT - TIME 23 Jan. 06 2220		BEAT OF INCIDENT 1531		LOCATION CODE [1]	
ACCUSED	NAME 1. HUERTAS, Carlos		RANK P.O.	STAR NO. 19394	SOCIAL SEC. NO. XXX-XX-XXXX	EMPLOYEE NO. [2 - Uniq...]	UNIT ASSIGN. 015	
	2.				XXX-XX-XXXX			
	SEX/RACE 1. M/H	D.O.B. 1-... Sept. 74	DATE OF APPOINTMENT 27 July 98		DUTY STATUS (TIME OF INCIDENT) <input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN	PHYS. COND. CODE 01
	2.				<input type="checkbox"/> ON DUTY <input checked="" type="checkbox"/> OFF DUTY		<input type="checkbox"/> SWORN <input checked="" type="checkbox"/> CIVILIAN	
	IF APPLICABLE - DATE OF INCIDENT 1.		CHARGES			COURT BRANCH		DISPOSITION & DATE
2								
COMPLAINANT	NAME 1 - Personal info / al info		ADDRESS 1 - Personal info	CITY STATE Chicago, IL.	TELEPHONE 1 - Personal info	SEX/RACE M/B	D.O.B./AGE 1-... July 66	PHYS. COND. CODE
VICTIMS	NAME		ADDRESS**	CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE	PHYS. COND. CODE
WITNESSES	NAME PO BOGGAN, Kimberly		ADDRESS** Star# 8969, Emp# 2 - Uniqu... Unit: 015	CITY STATE	TELEPHONE	SEX/RACE F/B	D.O.B./AGE 2-... Jul. 69	PHYS. COND. CODE

SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

ALLEGATIONS	2 - Uniqu 1 - Personal... initiated his complaint by letter which was registered at the Office of Professional Standards on 15 February 2006, at 1119 hours, by Civilian Lisa Tousant, Employee# 1 - Pers...	
	2 - Uniqu 1 - Personal... alleged that on 23 January 2006, at approximately 2220 hours, in the vicinity of 101... N. Lavergne, Office Carlos Huertas: 1. Placed and pressed his knee to his neck while handcuffing him, 2. Kicked him on the face several times 3. Placed his foot on his throat, 4. Stood on his chest, and 5. Falsely charged him with possession of drugs.	

I.A.D. LOCATION CODES*		I.A.D. PHYSICAL CONDITION CODES	
01	Food Sales/Restaurant	11	Public Transportation Veh./Facility
02	Tavern/Iliquor Store	12	Park District Property
03	Other Business Establishment	13	Airport
04	Police Building	14	Public Property - Other
05	Lockup Facility	15	Other Private Premise
06	Police Maintenance Facility	16	Expressway/Interstate System
07	CPD Automobile Pound Facility	17	Public Way - Other
08	Other Police Property	18	Waterway, Incl. Park District
09	Police Communications System	19	Private Residence
10	Court Room		

* IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS BOX, PAX/BELL IN TELEPHONE BOX.

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do support the allegations(s).
In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.

This matter involves arrestee, [REDACTED] 2 - Unique 1 - Personal, alleging that he was physically mistreated when he was falsely arrested for drug possession.

The investigation was conducted in the following manner.

The complainant, [REDACTED] 2 - Unique 1 - Personal, initially sent a letter and subsequently gave an in-person interview while incarcerated in Cook County Jail, which contains the allegations as specified in the "allegations section" of this summary report digest.

[REDACTED] 1 - Personal, said that he sustained swelling and pain to his face, but sought no medical attention. He added that he was unable to file his complaint sooner because he was being treated for mental health reasons at Cermak Medical Center.

[REDACTED] 1 - Personal, named the accused as PO Carlos Huertas. [REDACTED] 1 - Personal, stated that the drugs recovered in the area did not belong to him. (Att# 2 & 10)

The arrest report of [REDACTED] 2 - Unique 1 - Personal, indicates that he was charged with Possession of Heroin and Cocaine, and Manufacturing/Delivery of Heroin by Officers Carlos Huertas and Kimberly Boggins. The officers reported seeing [REDACTED] 1 - Personal engage in suspect narcotic transactions with co-arrestee [REDACTED] 2 - Unique Identifiers, in the vicinity of 10[REDACTED] N Lawler. The officers reported that that [REDACTED] 1 - Personal, fled and was apprehended at 10[REDACTED] N. Lavergne without incident. The Possession of Controlled Substance case report prepared purports the same set of facts as in the arrest reports. (att# 4, 8 & 13)

Mugshot photographs taken of [REDACTED] 1 - Personal, following his arrest depict no visible injury to his face. (Att# 5-7)

Accused Officer Carlos Huertas submitted a report and denied that allegations made against him. Officer Huertas stated after a brief foot chase that he and his partner, Officer Boggan placed [REDACTED] 1 - Personal, into custody without incident. (Att# 20)

Officer Kimberly Boggan submitted a report which supports her partner's accounting of the incident. (Att# 21)

INVESTIGATIVE REPORTS-SUPPORTING ALLEGATION LIST ATTACHMENT NUMBERS:	INVESTIGATIVE REPORTS-SUPPORTING ACCUSED MEMBER(S) LIST ATTACHMENT NUMBERS:	PHYSICAL EVIDENCE LIST ATTACHMENT NUMBERS:	TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE:
2, 10	20 & 21	5	22

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation. Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for days (not to exceed 5 days).

FINDINGS-RECOMMENDATIONS

Accused: **PO Carlos Huertas**

Allegations # 1. - 5. **Unfounded**

APPROVED **2 - Unique Identifiers**

O.P.S. Supervisor Maria E. Olvera, Staff # 124

Summary Digest Report prepared by Inv. A. Palahniuk, # 245

DATE INITIATED (DATE COMPLAINT WAS RECEIVED FOR INVESTIGATION)	DATE COMPLETED (DATE OF THIS REPORT)	ELAPSED TIME (TOTAL TIME, EXPRESSED IN DAYS)
1 February 2006	09 June 2006	112

Investigator will initiate the Command Channel Review for by completing the Investigator's Section.

INVESTIGATOR'S SIGNATURE

2 - Unique Identifiers

IF NECESSARY, USE AN 8 1/2 X 11" SHEET OF WHITE PAPER TO CONTINUE ANY ITEM

CONCLUSION:

The reporting Investigator recommends a finding of **Unfounded** for **Allegations # 1 – 5**, made against Officer Carlos Huertas. Officer Huertas submitted a report and denied the allegations. There is no evidence to corroborate these allegations. In fact, mugshot photographs taken of *1 - Personal Info*'s face depict no visible injury.